

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

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|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:19-cr-62-HSM-SKL-1 |
| |) | Case No. 1:19-cr-63-HSM-SKL-1 |
| v. |) | |
| |) | |
| |) | |
| RICARDO GASPAR-TAPIA |) | |

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One and Count Two of the two-count Superseding Indictment Case No. 1:19-cr-62 and to Count One of the one-count Indictment in Case No. 1:19-cr-63; (2) accept Defendant's plea of guilty to Count One and Count Two of the Superseding Indictment Case No. 1:19-cr-62 and to Count One of the Indictment in Case No. 1:19-cr-63; (3) adjudicate Defendant guilty of the charges set forth in Count One and Count Two of the Superseding Indictment Case No. 1:19-cr-62 and to Count One of the Indictment in Case No. 1:19-cr-63; (4) defer a decision on whether to accept the amended plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 79]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 79] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One and Count Two of the Superseding Indictment Case No. 1:19-cr-62 and to Count One of the Indictment

- in Case No. 1:19-cr-63 is **GRANTED**;
- (2) Defendant's plea of guilty to Count One and Count Two of the Superseding Indictment Case No. 1:19-cr-62 and to Count One of the Indictment in Case No. 1:19-cr-63 is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One and Count Two of the Superseding Indictment Case No. 1:19-cr-62 and to Count One of the Indictment in Case No. 1:19-cr-63;
- (4) A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 13, 2020 at 9:00 a.m. [EASTERN]** before a District Judge.

SO ORDERED.

ENTER:

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE